HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 16080 of 2007

Dated: 06-11-2007

Between:

Kantipudi Raja Rao

..... PETIT

AND

The Government of A.P.,
Rep., by its Principal Secretary,
Irrigation and Command Area Department,
Secretariat Buildings,
Hyderabad and 4 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 16080 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the actior respondent authorities in seeking to acquire/encroach upon the lands of the pe comprised in Sy.No.B/3 of Kumanadhapuram village of V.Madugula M Visakhapatnam District without following due process of law as illegal and arbit

In response to the notice issued by this Court, Sri K.Prabhakar Rao, R Divisional Officer, Narasipatnam, filed a counter affidavit and un-numbered la para of para No.1 reads as under:

> "As seen from the Sub Division records prepared by the Surveyors and un-approved Settlement Fair Adangal of the village, the lands in S.No.8 of Kurmanadhapuram is classified as "Gayalu" measuring an extent of Ac.17.50 cents in which an extent of Ac.0.67 cents is being used as Rasta as per the VA No.3. The land in S.No.8 is classified as Gayalu and it vest with Government. Therefore, the part of land (S.No.8) which alleged to be fallen in alignment of Urakagedda Canal, as contemplated by the petitioner Sri Kantipudi Rajarao, S/o Late K.Tatabbai of Jegurupadu village, Kadium Mandal, EG District, was not published in DN U/s 4(1) and DD U/s 6 of the LA Act, 1894 for the present."

The above reproduced statement contained in the counter affidavit sho the petitioner's land is not the subject matter of the acquisition in the notificati declaration issued by the respondents. It is needless to say that unle respondents initiated proceedings under the provisions of the Land Acquisiti 1894, they cannot deprive the petitioner of his land.

The writ petition is, therefore, disposed of with a direction to the responde to deprive the petitioner of his land situated in Sy.No.8/3 of Kurmanadhapuram V.Madugula Mandal, Visakhapatnam District without following due process of la costs.

C.V.NAGARJUNA RE

Date: 06-11-2007
KLP